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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8 (d)

QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Addendum

1. The working group adopted its report at the 8th plenary meeting, on 26 March 1997. Paragraph 84 of document E/CN.4/1997/33 was amended accordingly.

2. Concerning paragraph 46, the representative of China requested that the words "the basis" in the first sentence be replaced by the words "a basis". Likewise, the representative of Mexico requested that the words "the basis" in the second sentence of the same paragraph be replaced by the words "a basis".

3. The representative of Colombia requested that the text of paragraph 72 be replaced by the following text:

> "The delegation of Colombia considered that the reference in article 6, paragraph 4, to 'the representation of different forms of civilization' was not only unnecessary but constituted a harmful precedent in the universal and holistic conception of human rights, if it was borne in mind that, under the pretext of defending particular forms of civilization, human rights were in many cases flagrantly and continuously violated. Assumptions implying partial acceptance or a relative interpretation of such rights constituted a backward move, and that was obviously inadmissible."

4. The representative of Cuba made the following suggestion with respect to annex II of the report:

> "Taking account of the different opinions expressed by delegations on articles 1 and 8, annex II in no way prejudges the result of the future negotiations on these articles."

5. The representative of the Netherlands felt that there was no need for a footnote in annex II as the positions of the participants of the working group as to the text of draft articles 1 and 8 contained in annex II were adequately reflected in paragraphs 23 to 29 and other paragraphs of section A of the report.

6. The Chairman-Rapporteur of the working group stated that the working group took note of the views expressed by the delegations of Cuba and the Netherlands and decided that they would be reflected in the present addendum.